



Public Knowledge

January 28, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: WT Docket No. 06-150
PS Docket No. 06-229
WP Docket No. 07-100

Dear Ms. Dortch:

On January 27, 2011, Harold Feld of Public Knowledge (PK) met James Barnett, Chief, Public Safety and Homeland Security Bureau, and Jennifer Manner, Deputy Director, PSHSB, with regard to the above captioned proceeding.

PK made the following points with regard to governance of the public safety band. The public safety community is an extremely diverse community with tens of thousands of organizations. To develop an appropriate governance structure, the Commission must balance the need to respect this diversity with the clear federal policy that the band provide interoperable broadband and overcome the traditional differences between public safety organizations that have thwarted the development of interoperability in the past. In addition, the Commission must resist the efforts of local public safety organizations to use the available spectrum to solve local problems rather than provide interoperable communications and data. The public safety band should be a shared resource available to public safety organizations, but under rules that serve the federal policy of fostering interoperability.

PK also discussed the recommendation filed previously that the FCC rescind the current PSST license. The PSST license and governance structure were designed to provide a suitable entity to negotiate with the single licensee holding the D Block under the terms of the public/private partnership anticipated under the rules adopted in 2007. Whatever happens to the D Block, it is certain that the original vision of a single licensee forming a public private partnership will not happen. It is therefore much more reasonable to rescind the existing license and develop a governance structure suitable to whatever rules for the band the Commission adopts – with PSST free to reapply if it successfully reconstitutes itself – rather than attempt to develop a governance structure based on the structure of the existing licensee.

PK also suggested that the Commission consider awarding the licensee to a cooperative, with public safety organizations at the local or regional members as the members of the cooperative. Cooperatives provide a means for accountability to the relevant community and a means for any profits from leasing spectrum (or other commercial activity by the licensee) that remain after necessary expenditures to maintain the cooperative and improve the network. This would simultaneously encourage the local public safety organizations who would be members of the cooperative to invest in technologies that enhance spectrum efficiency, while also ensuring

that those charged with operating the network do not seek to maximize revenue over utility to the public safety community.

Finally, PK supported the use of open protocols and standards to encourage economies of scale and to prevent vendor lock-in. This could be achieved by use of similar conditions to the C Block, which would require that those who maintain the network make available sufficient information so that any vendor can meet the appropriate standards for the network interface. PK notes this would not require that the network be open to ineligible users. Rather, the rule should be crafted to give local public safety organizations their choice of vendor and equipment.

This ex parte is submitted in compliance with Section 1.1206(b) of the Commission's Rules. If you have any questions, please contact me at 202-681-0020.

Respectfully submitted,

/s/Harold Feld
Legal Director

cc:
James Barnett
Jennifer Manner